

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) No. 4:21-CR-00365-RLW
)
WAYNE LOZIER,)
)
Defendant.)
)

MOTION TO CONTINUE SENTENCING

COMES NOW defendant Wayne Lozier, by and through counsel, Assistant Federal Public Defender Tyler Morgan, and moves this Court to continue the sentencing hearing currently scheduled for January 9, 2023, for at least fourteen (14) days, or to a later date convenient for this Court. In support of this motion, Counsel states the following:

1. Mr. Lozier's codefendant, Jody Sullivan, was sentenced to a term of probation on December 20, 2023.
2. Prior to sentencing, counsel for the codefendant filed a sentencing memorandum and supporting documents along with a motion for leave to file said documents under seal on December 13, 2023.
3. This Court denied the motion for leave to file under seal on December 15, 2023, concluding that the public's right to access the filed documents outweighs the codefendant's interests in confidentiality under the circumstances. This Court subsequently considered the documents at sentencing in coming to what the

Court determined to be an appropriate sentence.

4. After the sentencing hearing, counsel for the codefendant moved to withdraw the documents in lieu of having them unsealed; however, as the Court reviewed the documents and considered them in coming to the codefendant's sentence, this Court denied the motion to withdraw on January 2, 2024.
5. In denying the motion to withdraw, this Court gave counsel for the codefendant fourteen (14) days, or until January 16, 2024, to appeal its ruling. The Order additionally stated that the documents would remain under seal during that fourteen-day period after which the documents will be filed in the public record.
6. Mr. Lozier is currently scheduled to be sentenced on January 9, 2024, only seven (7) days into that period. As a result, if sentencing were to proceed as currently scheduled, Counsel would be unable to review the sealed documents before sentencing.
7. Upon information and belief, the documents contain information regarding the codefendant's culpability in this case as compared to Mr. Lozier's culpability, among other factors that the Court must consider in coming to an appropriate sentence for Mr. Lozier.
8. Because the sealed documents likely contain relevant information with respect to Mr. Lozier, Counsel is requesting that sentencing be continued past the window for the codefendant to appeal this Court's denial of the request to

withdraw so that Counsel can review the documents and respond to them appropriately in order to prepare an adequate sentencing presentation for Mr. Lozier.

9. Counsel is specifically requesting that this Court grant a brief continuance of no less than fourteen (14) days, or to a later date convenient for this Court, to review the relevant documents on Mr. Lozier's behalf.

10. A continuance in this matter is in the interest of justice as it allows reasonable time for counsel to be properly prepared pursuant to 18 U.S.C. §3161.

WHEREFORE, for the reasons stated above, Counsel requests that the sentencing hearing be continued to a later date convenient for this Court.

Respectfully submitted,

/s/ Tyler Keith Morgan
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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on January 2, 2024, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon Matthew Martin, Assistant United States Attorney.

/s/Tyler Keith Morgan
TYLER KEITH MORGAN
Assistant Federal Public Defender